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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,476	02/08/2002	Ichiro Hamada	SONYJP 3.0-210	9957

530 7590 11/25/2005
LERNER, DAVID, LITTENBERG,
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EXAMINER

HENEGHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,476	Applicant(s) HAMADA, ICHIRO	
	Examiner Matthew Heneghan	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 September 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 October 2001 is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. In response to the previous office action, Applicant has amended claims 1, 4, and 7 and added claims 10-12. Claims 1-12 have been examined.
2. Examination of the instant application has been reassigned to Examiner Matthew Heneghan, whose contact information is given below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 5, 8, and 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 5, and 8 recite the limitation "said subsequent processing step" in claim 2, line 3; claim 5, lines 2-3; and claim 8, lines 3-4. There is insufficient antecedent basis for this limitation in the claims. It is being presumed that this term refers to the "later processing device."

Claims 10-12 recite the standard IEC60958. The specifications of this standard are continuing to evolve, and it cannot be ascertained what the standard may or may not encompass in revisions to the standard made during the life of any issued patent.

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This rejection could be overcome by either specifying one or more versions of the standard that existed as of the application filing date or, alternatively, by adding one or more limitations teaching to a mechanism by which the determination of conformance to the standard would be made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,212,633 to Levy et al.

As per claims 1, 4, and 7, Levy discloses an interface having an input (I/O) device (see column 7, lines 7-25), a receiver that receives a packet having encrypted data. In order to test for a valid session key, the received packet must necessarily have been decoded from the physical layer (see column 16, lines 3-25). Improper packets are judged to have been improperly decoded if the CRC checksum is invalid (see column 20, lines 21-22); it is also checked whether a transmission conforms to a particular cipher (such formats are standardized) or session key (see column 16, lines 3-25 and 35-40). Output to one or more nodes may be prohibited based upon the results (see column 16, lines 40-43).

As per claims 2, 5, and 8, the output may be stopped by corrupting the CRC value of outgoing packets (see column 19, line 46 to column 20, line 45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,212,633 to Levy et al. as applied to claims 1, 4, and 7 above, and further in view of U.S. Patent No. 5,509,122 to Bartow et al.

Though Levy discloses a mechanism for establishing new session keys, which bring an end to the blocking of data, Levy does not disclose the waiting of an elapsed time before initiating communications.

Bartow discloses a bus recovery scheme that includes the resetting of a channel (which takes place in initialization) over an elapsed time, in order to allow for the detecting of a link failure (see column 22, lines 35-56).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Levy by resetting a channel over an elapsed time, as disclosed by Bartow, in order to allow for the detecting of a link failure.

6. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,212,633 to Levy et al.

Levy discloses standards such as IEEE1394 and discloses that it can be used with other types of interfaces (see column 22, lines 25-34), but does not disclose the IEC60958 standard.

Official notice is given that it is well-known in the art to design interfaces to the IEC60958, in order to promote interoperability with other vendors' equipment.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Levy to work with IEC60958, in order to promote interoperability with other vendors' equipment.

Response to Arguments

7. Applicant's arguments, see Remarks, filed 19 September 2005, with respect to the rejection(s) of claim(s) 1-9 under 35 U.S.C. 102 have been fully considered and are persuasive in view of Applicant's amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the art cited above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,947,422 to Ichimura et al., which is commonly assigned with the instant application, teaches to the detection of particular transmission formats.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH *MEH*

November 17, 2005

Gregory Moore
GREGORY MOORE
SUPERVISOR OF PATENT EXAMINERS
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